

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Staff

DATE: **March 20, 2001**

RE: **Analysis Report**

Balances As Of: 3/15/01 3/16/00

GSD 4% RESERVE FUND \$9,124,189 \$9,778,127

CONTINGENCY ACCOUNTS

GSD	\$50,000	\$154,000
USD	\$50,000	\$50,000

GENERAL FUND

GSD	\$46,859,389	\$37,648,618
USD	\$11,156,918	\$8,226,373

GENERAL PURPOSE

<u>SCHOOL FUND</u>	\$22,665,532	\$17,165,379
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SOLID WASTE  
DISPOSAL FUND

Solid Waste Activities	\$865,517	\$477,098
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## - RESOLUTIONS -

**RESOLUTION NO. RS2001-546** (GENTRY, SONTANY & GREER) – This resolution appropriates \$250,000 from the reserve account for affordable housing program to the affordable housing account for the purpose of helping to preserve affordable rental housing in Nashville for fiscal year 2000-01. The director of affordable housing will select one or more contractors through a request for proposals process. Council has previously appropriated \$500,000 from the reserve account for affordable housing program for the HoME program, and \$250,000 for the HoPE program.

Staff would recommend that prior to approving this appropriation, council may need to be informed in greater detail of how this rental housing preservation program is to work. Although groups are to be required to submit proposals, it might be better to have some basic criteria and goals to be achieved.

**RESOLUTION NO. RS2001-547** (GENTRY) – This resolution approves the sale of bonds previously authorized by the council by the adoption of Resolution No. RS2001-501 on February 6, 2001. That resolution authorized Nashville Electric Service (NES) to issue revenue and refunding bonds. This resolution awards the contract for sale of the bonds to a bond underwriting group led by Morgan Keegan & Company, Inc. From these bond proceeds, approximately \$118 million will be utilized for new construction, and approximately \$20 million will be utilized to refund bonds issued by NES in 1996. This resolution also formally authorizes the redemption of the bonds being refunded, approves the official form, which is a disclosure document, and approves necessary contracts to consummate this sale. This is similar to the legislation the Metropolitan Government used in awarding the general obligation bond sale. NES is refunding some bonds in order to save interest costs. This is essentially the same as a refinancing. The Metropolitan Government is not liable for the payment of these bonds, as they are secured solely from the revenues of NES.

**RESOLUTION NO. RS2001-548** (GENTRY) – This resolution approves a contract between the Metropolitan Government and The Travelers Group for a property and casualty insurance policy for property owned by the Metro Government. The term of this contract is for five years commencing July 1, 2000, with an annual premium payment of \$606,038. This insurance policy provides full property coverage for approximately \$4.1 billion of Metropolitan Government property. Although the Metropolitan Government is essentially self-insured for liability purposes, we do maintain property insurance on our buildings.

**RESOLUTION NO. RS2001-549** (JENKINS) – This resolution approves an amendment to an agreement between the board of parks and recreation and the U.S. army corps of engineers for the development of a multi-use greenway trail on Richland Creek that will connect neighborhoods to nearby open spaces, shopping areas and other destinations. This open space will be approximately two miles long and ten feet wide, and this paved trail will include boardwalks, culverts, trailheads, a railroad bridge, golf course bridge and culvert, and a bridge rehabilitation. The trail will begin at approximately Cherokee Road and will end at Sylvan Park.

(continued on next page)

**RESOLUTION NO. RS2001-549 (continued)**

This amendment increases the estimated total project cost to \$196,000, with the Metropolitan Government being required to provide \$63,129. The Metropolitan Government's original share of costs was \$48,000. The Metropolitan Government will also be credited with in-kind services of \$34,871.

The original ordinance provided that amendments to the agreement can be made by resolution adopted by the council with 21 affirmative votes.

**RESOLUTION NO. RS2001-550 (SONTANY)** – This resolution ratifies an agreement between Metro Government and the state of Tennessee to deposit Metro Government's local funds into the local government investment pool for our share of costs related to construction of the Briley Parkway interchange at Murfreesboro Road. This deposit of \$87,666 would cover our share of the cost for this project, which has previously been approved by the council. By depositing our share Metro will receive interest to reduce our commitment in this project.

**RESOLUTION NO. RS2001-551 (GENTRY)** – This resolution approves an amendment to a contract between the Metro board of health and Omni Health Care Plan, a managed healthcare organization, to provide for non-emergency transportation services for TennCare recipients. This is the continuation of the contract whereby Omni Health Care Plan will continue to receive fifteen cents per month for each person enrolled under the contract with TennCare for the contract term, which is extended through December 31, 2001. These programs have been in place since TennCare was instituted, and the health department has similar contracts with other managed healthcare organizations that have TennCare recipients enrolled in their programs.

**RESOLUTION NO. RS2001-552 (WALLACE)** – This resolution approves an amendment to a lease agreement between the Metropolitan Government, on behalf of the social services department, and P.S. Business Parks for the lease of space at 806 Fourth Avenue South. The term of this lease is extended for one year beginning February 1, 2001, and expiring January 1, 2002. The monthly rental payment is increased to \$3,324. The original lease was for three years with a monthly base rent of \$2,859. This space will be used for the social services department's nutrition program.

This lease agreement should not be adopted until a recommendation has been received from the planning commission.

**RESOLUTION NO. RS2001-553** (GENTRY) – This resolution approves an amendment to a lease agreement between the Metropolitan Government, on behalf of the board of public education, and Norman W. Ginsberg for warehouse space at 101 Spence Lane. This lease is extended for one year beginning January 1, 2001, and expiring December 31, 2001. The original lease provided an option to renew for four additional terms of one year each. The board of education uses this warehouse to store equipment, furniture, and surplus or reusable property. The rental rate for the lease of this space is \$3,660 per month. The use of this space was first begun January 1, 1998, and this continues the rental of this space. There is no increase in the rental amount being paid. The original ordinance provided that amendments to the agreement can be made by resolution adopted by the council with 21 affirmative votes.

**RESOLUTION NO. RS2001-554** (GENTRY) – This resolution authorizes the department of law to compromise and settle the lawsuit of Elizabeth M. Osborne against the Metropolitan Government in the amount of \$58,000, and directs that this amount be paid from the self-insured liability fund. This lawsuit is a malpractice claim against General Hospital for the death of Kenny Osborne who died on March 18, 1998. Mr. Osborne was transported to General Hospital's emergency room after having been involved in a fight. He was bleeding from cuts and had suffered injuries to the back of his head. Through a series of alleged failures and improper diagnosis of Mr. Osborne, he was determined to be suffering from a brain hemorrhage. He was transferred to Vanderbilt Medical Center where he died. He incurred medical expenses of \$37,519.57, of which \$33,154.57 was for treatment and surgery at Vanderbilt. In addition, there were lost wages of \$16,800.

The Metropolitan Government is liable for malpractice of the employees of General Hospital, excluding physicians, who were not employees of the Metropolitan Government.

**RESOLUTION NO. RS2001-555** (GENTRY) – This resolution authorizes the department of law to compromise and settle the lawsuit of Annette Daniel against the Metropolitan Government in the amount of \$11,000, and directs that this amount be paid from the self-insured liability fund. This lawsuit is the result of a personal injury claim which occurred when Ms. Daniel fell on the sidewalk in front of Cameron Middle School after exiting the school during a fire drill. Ms. Daniel suffered a dislocated left shoulder. Apparently, our sidewalk was defective, resulting in her fall. Ms. Daniel incurred \$4,924.80 in medical expenses.

**RESOLUTION NO. RS2001-556** (WALLACE) – This resolution authorizes Lifeway Christian Resources to install and maintain an enclosed pedestrian walkway over the right-of-way of 10<sup>th</sup> Avenue North, for the purpose of connecting the Lifeway Christian Resources office building to a parking garage. This walkway is being requested by Rodney Wilson on behalf of Lifeway Christian Resources, the abutting property owners, and the properly executed petition is on file with the Metro clerk. This encroachment has been approved by the planning commission.

**ORDINANCE NO. BL2001-620** (CAMPBELL) – This ordinance closes an unbuilt portion of Turner Street, from Riverside Drive to the western edge of parcel 270 on tax map 72-15. This closure is being requested by Nancy Sutton of Seals Realtors & Auction Company, Inc., on behalf of the abutting property owners, and the properly executed petition is on file with the Metro clerk. This closure has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2001-624** (JENKINS & WALLACE) – This ordinance approves an increase to a grant between the state department of transportation and the Metro board of parks and recreation for construction of a walking and bicycle trail to connect Riverfront Park on the Cumberland River in downtown Nashville to the Bicentennial Mall, the US Tobacco Company warehouse complex and museum, and the Marathon Village warehouse complex. The initial contract approved by the council by Ordinance No. O97-861 provides for a total cost of \$800,000, with Metro's cost being \$160,000. This ordinance amends the grant by increasing the grant by an additional \$640,000.

**ORDINANCE NO. BL2001-625** (MCCLENDON & DERRYBERRY) – This ordinance approves a grant agreement between the state department of finance and administration and the district attorney's office for benefit of the office of the district attorney general victim witness services in the amount of \$199,924. This grant is for a term of three years beginning November 1, 2000. In the first year of the grant Metro was to receive \$69,088 and in each of the last two years an amount of \$65,418. Metro is to provide an in-kind match in the amount of \$17,272 in the first year and \$16,355 in each of the next two years. These grant funds will be used to employ one full time and one part time person as Hispanic Advocates and coordinators who can work within the Latin community to assist victims of crime. In addition to the salaries, the grant will provide benefits, equipment and supplies for these employees.

**ORDINANCE NO. BL2001-626** (GENTRY) – This ordinance approves a grant from Workforce Essentials, Inc., a Tennessee not-for-profit corporation that has received funds under the Workforce Investment Act of 1998 and the American Competitiveness and Workforce Improvement Act of 1998, to the Nashville career advancement center (NCAC). This grant is for a term of two years beginning January 1, 2001, and expiring December 31, 2002. The amount of the grant is \$557,241.06. The purpose of this grant is to train persons in technical skills, such as dental assistants, electrical occupations, graphic arts, and other jobs that require some basic skill in those fields.

**ORDINANCE NO. BL2001-627** (DERRYBERRY, HAND & OTHERS) – This ordinance amends the Metropolitan Code by redefining mass gatherings and providing that only off-duty police officers can be employed for mass gatherings. Under this ordinance the definition of mass gatherings will be amended to delete the provision that says that a mass gathering must continue for twelve (12) or more

hours to be classified as a mass gathering. Presently, the definition says that a mass gathering is any event that is likely to attract 3,000 or more persons and continue twelve or more hours. It further would provide that only off-duty Metro police officers could work as security, prohibiting other private security guards and police officers from other jurisdictions from working.

The mass gathering ordinance was adopted as a safety and health ordinance to address large events that continue for several hours. It requires that several police officers and health care workers be on the premises for health and safety, additional sanitary facilities, and for insurance requirements. By adopting this ordinance it appears that events such as high school sporting events would be defined as mass gatherings and subject to this ordinance.

Staff has been informed that the sponsor intends to defer this matter indefinitely.

**ORDINANCE NO. BL2001-628** (HAND & DERRYBERRY) – This ordinance authorizes the police department to accept a donation of \$6,200 from Gary Katz which will be used by the tactical investigation division for the purchase of equipment. Gary Katz is the attorney that represents the Nathanson Foundation, which makes donations to law enforcement agencies throughout the United States. Departments of the Metropolitan Government cannot accept donations unless approved by the council.

**ORDINANCE NO. BL2001-629** (WHITMORE & GENTRY) – This ordinance approves the transfer of surplus property located at 4005 Indiana Avenue (map 91-12, parcel 216) by the director of public property administration due to the previous owner's failure to pay delinquent property taxes. The property will be transferred to the Metro development and housing agency (MDHA) for use in conjunction with the Preston Taylor/HOPE VI project. The planning commission has approved the transfer of this property.

**ORDINANCE NO. BL2001-630** (KNOCH) – This ordinance authorizes the acquisition, by negotiation or condemnation, of three utility easements in relation to the Swiss Avenue water storage reservoir project. The estimated cost of acquisition is \$63,000, which will be funded from the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2001-631 THRU BL2001-639** (WATERS) – These nine ordinances authorize the mayor to enter into grant agreements with the state department of labor to provide funding for the Nashville career advancement center (NCAC), formerly the Mayor's employment and training resources agency (METRA). These ordinances are funded under the Workforce Investment Act of

1998. These grants, which total \$883,929.51, constitute a large portion of the funding provided to NCAC for this fiscal year. The term of these grants is for two years each beginning July 1, 2000, and expiring June 30, 2002. The grant funds are used by NCAC to provide for allowing dislocated workers to enter the labor force, for programs that prepare adults, youth and dislocated workers to re-enter the labor force through use of training programs, and to allow persons on welfare to enter the workforce. It appears to staff that Ordinance No. BL2001-632 and BL2001-634 may be duplicates, as each of these are for the amount of \$1,904.99 and each approve the same contract number, which contracts provide for administrative costs. The amount of funds for each of these grants is as follows:

<u>Ordinance No.</u>	<u>Grant Amount</u>
BL2001-631	\$12,750.52
BL2001-632	\$1,904.99
BL2001-633	\$344,445.60
BL2001-634	\$1,904.99
BL2001-635	\$199,362.70
BL2001-636	\$110,285.58
BL2001-637	\$67,261.77
BL2001-638	\$128,868.41
BL2001-639	\$17,144.95

### - **BILLS ON THIRD READING** -

**SUBSTITUTE ORDINANCE NO. BL2000-497, ORDINANCE BL2000-498 AND SUBSTITUTE ORDINANCE NO. BL2001-585** (BRILEY) – These three ordinances amend the Metropolitan Code relative to procedures used in determining whether buildings are fit for human occupancy, their repair, and their use.

Substitute Ordinance No. BL2000-497 allows the present provisions in Chapter 16.52 to be included in Chapter 16.24 and is principally a housekeeping ordinance.

Ordinance No. BL2000-498 is a related matter which makes some changes to the operation of the Vacant Property Review Commission. This ordinance deals with vacant property providing for a procedure to place it back into use. Property may not be acquired by eminent domain, unless the Council specifically approves such acquisition by resolution.

Substitute Ordinance No. BL2001-585 amends Chapter 16.24 and Chapter 2.88 of the Metropolitan Code by adopting new minimum standards for buildings relative to dwellings and structures that are unfit for human habitation, and by renaming the board of housing code appeals.

Essentially, Chapter 16.24 is revised by making some matters more clear and adopting some additional standards to assure that existing structures meet minimum standards to be safe for occupancy. There are some changes, however, that not only apply to structures but also are expanding to the lots on which

the structures are located. Additionally, the standards will be expanded to commercial structures and are not limited to residential structures.

These standards are not to be confused with the building code, fire code, plumbing code, electrical code, etc., which are the codes which must be complied with when structures are being built or remodeled. The standards in this ordinance are to be used to determine whether buildings should be replaced or torn down when it is unsafe for the buildings to be occupied and are applicable when structures are renovated. The standards under this ordinance are not as strict as the building standards for new construction.

There are some changes which have been requested through the years by members of council that deal with automobiles. The code also provides that unless specifically provided for in the zoning code, it would be unlawful for any person to have an inoperable or unlicensed motor vehicle on their premises unless it is stored in an enclosed structure.

In addition, this ordinance adopts several provisions relative to dwellings that are unfit for human habitation and the process for ordering repairs or demolition and the appropriate appeals process.

In addition, this ordinance amends Chapter 2.88 by changing the name of the board of housing code appeals to become the board of property standards and appeals. Although this chapter is also rewritten it, apparently, does not make any changes other than name changes, except for the time for making applications for appeal is extended from ten (10) to twenty (20) days, which is reasonable. One might question this name change, as although the standards are being extended to also cover the premises where structures are located, these are still primarily structure or building standards.

Staff had previously raised several issues of concern relative to the provisions of this ordinance, which were addressed by the substitute.

**ORDINANCE NO. BL2000-560** (PONDER & GILMORE) – This ordinance, as amended, amends various sections of the zoning text by changing some definitions, adding new land uses, and modifying provisions for final site plans review by the planning director rather than the planning commission, allowing the planning director the discretion to overrule the zoning text.

**Staff has been informed that the sponsor will withdraw this ordinance. It is anticipated that individual ordinances on the various subject matters will be filed in the near future in an attempt to resolve the issues raised by members of council.**

There is a new definition for mobile storage units which are permitted with conditions in mixed use, some office, and most of the commercial districts. These storage units are to be permitted with conditions in industrial zone districts for storage of excess inventory, lay away items, and seasonal merchandise. They are used extensively by large retail. They are permitted storage for ninety days only at one time.

There is a change in the zone text which would prohibit billboards in commercial planned unit developments. Presently, if a base zone would permit a billboard, the council could also permit it in a PUD. This change directly amends a provision of the zoning text which was adopted by the council.

There is a proposed change related to zone fees which must be approved by the council by resolution to allow the planning commission and the board of zoning appeals to recommend and develop proposed



fees for council consideration to cover the cost of processing such applications. This simply a housekeeping measure, which is not necessary, but does not limit council authority.

There is a text change that would remove the floor area ratio restriction in the OR20 and OR40 zone districts to allow these districts to get the proposed number of units permitted. This amendment was previously adopted for the multi-family zone, but inadvertently the combined office/multi office zone did not get the benefit of this change.

This text change also modifies the definition of a boarding house by providing that such facilities can contain no fewer than three or more than ten rooms but eliminates the period for which they may be occupied which presently is for a period of no less than thirty days or more than six months. Further, the text change defines that hotels or motels contain ten or more rooms for paying guests for a period of less than thirty days. This change would have the effect of classifying boarding houses as hotels or motels and would subject them to the 5% hotel/motel tax. The reason for the current definition is to make it clear that boarding houses are not hotels or motels.

There is a new condition adopted for the planning commission relative to final approval by the planning commission for site plans for PUDs, urban and institutional overlays. The final approval would be made by the planning director. This is a dramatic change in the zoning text. The purpose of the new zoning text is to require that all developments meet the required performance standards, even with overlays. This amendment takes away from the legislative function as the planning director could decide that a developer did not have to comply with the zoning text or the overlay as adopted by the Council. Staff is of the opinion that such authority is contrary to state law. It seems further to allow appeals to the planning commission rather than the board of zoning appeals which is also contrary to state law. This text amendment has been approved by the planning commission.

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**ORDINANCE NO. BL2000-560 (CONTINUED)**

Staff would caution the council that many of these changes are in areas that were rejected by the council when the new zoning text was adopted. The provisions relating to billboards and to final approval for site plans by the planning director were specifically rejected by the council when it adopted this new zoning text. Both of these changes remove control from the council, dilutes the PUD process, and gives more power to the planning director. In the opinion of staff parts of this ordinance are contrary to state law.

Staff would recommend that the individual topics covered by separate ordinances, rather than being contained in one ordinance dealing with a variety of subjects.

**ORDINANCE NO. BL2001-608 (WATERS & GENTRY)** – This ordinance amends the Metro Code to permit boards and commissions to hold their meetings in private buildings and on private property if such boards or commissions are specifically permitted to hold such meetings by a contract or lease agreement approved by ordinance adopted by the council.

The Metro Code presently prohibits boards or commissions from meeting on private property and requires that meetings be held in public buildings. A number of boards and commissions, such as the tourism commission, do not have public space to hold such meetings. When available, it tries to hold its

meetings at the convention center or the arena in their meeting rooms. However, from time to time there is not room available due to the booking of large events. This ordinance would permit such boards or commissions, such as the tourism commission, to meet in some private conference or meeting rooms, provided the council has approved such meeting locations by a contract or lease agreement approved by ordinance. The tourism commission has a contract with the Nashville chamber of commerce to provide tourism services, but not to provide such meeting space; however, if they did have a contract they could begin holding their meetings on their premises.

**ORDINANCE NO. BL2001-609** (WALLACE) – This ordinance authorizes the Education Network of America to enter into a participation agreement with the Metro department of water and sewerage services to provide improvements in a sewer system for McGavock Street, between 11<sup>th</sup> and 12<sup>th</sup> Avenues South. Education Network of America will pay \$5,000 to aid in this improvement project. There presently exists a ten-inch clay sewer which is in poor condition. Additionally, the sewer line needs to be lowered approximately 30 inches to allow the Education Network of America building to have sewer service. The project will consist of installation of a new 12-inch public sewer pipe which will be approximately 135 feet long. This is a typical participation agreement with the water and sewer department.

**ORDINANCE NO. BL2001-610** (GENTRY & BOGEN) – This ordinance authorizes the acceptance of grant funds in a total amount of \$196,000 by the Metropolitan Government to offset a portion of the cost of the performance audit conducted on the Metro board of public education. The following grants and their amounts are approved and accepted:

	<b><u>Grantor</u></b>	<b><u>Amount</u></b>
1.	The Frist Foundation	\$100,000.00
2.	The HCA Foundation	\$25,000.00
3.	Nashville Predators Foundation	\$10,000.00
4.	Afficus Trust	\$5,000.00
5.	Purity Foundation	\$5,000.00
6.	The Community Foundation	\$1,100.00
7.	The Memorial Foundation, Inc.	\$50,000.00

The total cost of this performance audit was \$499,570.

**ORDINANCE NO. BL2001-611** (SHULMAN & LORING) – This ordinance approves a grant between the Metropolitan Government and the state department of state for \$5,000 for the benefit of the Metro public library archives. This grant is for a term of one year beginning January 1, 2001, and

expiring December 31, 2001. These funds will be used by the public library to assist in the preservation, arrangement and description of endangered local records.

**ORDINANCE NO. BL2001-612** (JENKINS & WILLIAMS) – This ordinance authorizes the Metropolitan Government to enter into an agreement with the City of Brentwood to sell water to the City of Brentwood. The Metropolitan Government has provided the City of Brentwood with water under a contract that began in August 1985. This fifteen-year agreement has since expired, although Metro continues to supply the city with water while a new agreement is being accomplished. Under this agreement Metro will continue to sell the city water at a maximum daily volume of 1,500,000 gallons per year beginning in the year 2000, and increasing in 2003 to a maximum daily volume of 2,500,000 gallons per year.

The increase in capacity that Metro will be required to provide will be subject to the City of Brentwood paying an additional \$1,500,000 to cover capital costs of increasing this capacity amount.

The term of this agreement is for twenty years. The agreement can be terminated by either party after a four-year notice of intent to terminate has been provided.

Issuance of notification by the City of Brentwood to terminate the contract will not release them from paying the \$1,500,000 for capital costs.

The City of Brentwood is charged the same rate as our other industrial and commercial customers. The City of Brentwood does not own a water treatment plant, buying their water in bulk from Metro and then reselling it. The Metropolitan Government provides sewerage treatment service to a number of other communities, however, this is our only existing water contract.

**ORDINANCE NOS. BL2001-613 THRU BL2001-619** – These seven ordinances approve the sale of surplus property by the director of public property administration due to the previous owner's failure to pay delinquent property taxes. The planning commission has not yet considered these ordinances, which property location and estimated value are listed below:

<b><u>Estimated Ordinance No. &amp; Sponsor</u></b>	<b><u>Map &amp; Parcel No.</u></b>	<b><u>Location</u></b>	<b><u>Value</u></b>
<b>BL2001-613</b> (KNOCH) \$300.00	Map 162-9, Parcel 73	Ash Grove	Drive
<b>BL2001-614</b> (KNOCH) \$300.00	Map 162-13, Parcel 110	Cedarvalley	Drive
<b>BL2001-615</b> (MCCLENDON & \$100.00 GENTRY)	Map 119-2, Parcel 27	225 Desoto	Drive
<b>BL2001-616</b> (WHITMORE) \$200.00	Map 92-6, Parcel 57	2713 Eden	Street
<b>BL2001-617</b> (WILLIAMS) \$100.00	Map 116-11, Parcel 116	Pendleton	Avenue

**BL2001-618** (KERSTETTER &  
GENTRY

Map 162-1, Parcel 125

Tusculum Road \$200.00

**BL2001-619** (GENTRY)  
\$100.00

Map 121-4, Parcel 5

Western Shore Drive

**ORDINANCE NO. BL2001-621** (MCCLENDON) – This ordinance closes unbuilt Alley No. 1880, from Whitsett Road north to its terminus at Alley No. 1878. This closure is being requested by H. A. McClaron, Trustee for Patterson Memorial United Methodist Church, the abutting property owner, and the properly executed petition is on file with the Metro clerk. This closure has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2001-623** (GENTRY) – This ordinance grants a franchise to American Fiber Systems, Inc., to construct, operate and maintain a telecommunications system using fiber optic cable under the provisions of the Metropolitan Code. The company will have a fifteen-year franchise and agrees to pay five percent of its gross revenues to the Metropolitan Government. Metro has issued several franchises for fiber optic cable services or telecommunications services which, essentially, are provided to hotels, motels, hospitals and office buildings. These are non-exclusive franchises. The granting of this franchise has been approved by the planning commission.